

REMARKS

INTERVIEW SUMMARY

Applicant's representatives, (Arthur) Tan-Chi Yuan and Frank Agovino, thank the Examiner for the courtesy of a telephonic interview on November 16, 2006. In discussing claims 1 to 51, Applicant points out to the Examiner that the exemplary claim 1 recites "forming the first primary display window in response to **the particular selected scope item**"...; "forming the second primary display window in response to **the particular selected scope item**...". Furthermore, FIG. 2 of the application illustrates that the first primary display window 204 and the second primary display window 206 are separate windows showing content independent of each other while being driven from **the same scope item 218**. (See also additional support on page 8, lines 5 to 16, of the application). In response to the above support and clarification, the Examiner has tentatively agreed that claims 1 to 46 are in condition for allowance. In addition, in light of the telephonic interview, claims 47 to 50 are canceled. No exhibits were shown during the interview.

Applicant has thoroughly considered the October 17, 2006 Final Office action and the Examiner's remarks. Applicant has amended claims 1-5, 11, 18-21, 23-28, 32, 34-36, 38-41, 43- and 44 without raising new issues that would require an additional search. Claims 47-50 are canceled in response to the November 16, 2006 telephonic interview with the Examiner. Claims 1-46 and 51 are presented in the application for further examination. This Amendment sets forth the invention more clearly, and a favorable reconsideration of the application in view of the following remarks is respectfully requested. The following arguments are presented for further explanation for allowance of the claims.

Claim Rejection under 35 U.S.C. §103(a)

Claims 1-8, 14-18, 21, 27, 35-37, 41-46, and 51 were rejected under 35 U.S.C. §103(a) as being obvious over previously cited Malamud et al., U.S. Patent No. 5,694,561 ("Malamud patent"), Beaudet et al., U.S. Patent No. 5,491,795 ("Beaudet patent") and Windows XP Profession SP 1 ("WinXP reference").

In response to the statement that “the features that the Examiner relies on can be found in prior versions on Windows Operating System, which has earlier date” on pages 21-22 of the Office action, Applicant demands the Office to produce evidence showing that the prior versions may be considered as a prior art, pursuant to MPEP § 2144.03¹ (citing “an assessment of basic knowledge and common sense that is not based on any evidence in the record **lacks substantial evidence support**” (emphasis added) *In re Zurko*, 258 F.3d 1379). The Office’s assertion that the features can be found in “prior versions” is vague and is not supported by evidentiary support. Applicant demands the Office to produce the evidence in support of this assertion or withdraw the rejection.

In the alternative, even if “the prior versions” of Windows operating system referred to by the Office, Applicant respectfully argues that the combined references, even with the newly added WinXP reference, fail to teach or suggest each and every element of the claims as amended.

Amended claim 1 recites, “... forming the first primary display window..., **said first primary display window being different from said scope window**; forming the second primary display window ..., **said second primary display window being different from said scope window and said first primary display window.**” The scope window, the first primary display window, and the second primary display window are independent windows. (See also FIGS. 2 and 3).

In contrast, the Office argues the WinXP reference discloses the following on page 21:

“WinXP discloses first primary window (FIG. 4; scope item 1 object) and secondary primary window (FIG. 4; scope item 2 object) are defined based on a particular selected scope item (FIG. 4; selected scope item: Local Disk (C:)...”

Applicant respectively disagrees with such reading of the presented claim 1 because the Office action fails to read the language in the claim in its entirety. In other words, as shown in FIG. 4, scope item 1 object is not a “first primary display window” and scope item 2 object is not a “second primary display window”. The scope item 1 object and scope item 2 object are objects within a window, and they are different scope items. Even if the scope item 1 object and the

¹ In re Zurko, 258 F.3d 1379, 1385, 59 USPQ2d at 1697 (“[T]he Board cannot simply reach conclusions based on its own understanding or experience-or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings.” (emphasis added)).

scope item 2 object were considered as a first primary display window and a second primary display window, respectively, the combined references continue to fail to disclose or teach that the first primary display window is different from the scope window and the second primary display window is different from the scope window and the first primary display window. In addition, the scope item 1 object and the scope item 2 object are not “the particular selected scope item” as recited in claim 1 because the scope item 1 object and the scope item 2 object are two different scope items. The amended claim 1 clearly establishes a proper antecedent basis for the term “particular scope item” such that it is not to be confused with “any” particular scope item.

Moreover, as previously argued, Applicant respectively disagrees and presents that the Beaudet patent teaches away from the claimed invention due to at least the following reasons. FIG. 5 of the Beaudet patent fails to show a “second primary display window.” The Office action indicated that the window identified by the reference number 53 may be considered as the first primary display window. In addition, if the Office wishes to make the comparison that what’s shown in FIGS. 3 and 4 are second primary display windows, Applicant submits that they fail to establish such comparison because they are not defined based on the “particular selected scope item.” That is, items shown in FIG. 2 are defined based on “Scope item 1” and items shown in FIG. 4 are defined based on “Scope item 2.”

The advantages of embodiments of the invention as recited in claim 1 and as elaborated previously during prosecution are that, because the first primary display window and the second primary display window are independently linked to the same particular selected scope item, users or administrators may configure independent instructions to define the first primary display window or the second primary display window based on user access privileges or restrictions or the like. The cited art, either individually or in combination, has all failed to recite such feature.

As such, even combined with the Malamud and Beaudet patents, the WinXP reference fails to teach or suggest each and every element of claim 1. Therefore, because the Office action fails to establish the *prima facie* elements of an obviousness rejection, Applicant requests the rejection of claim 1 be withdrawn. Claim 1 and its dependent claims 2-8 and 14-17 are patentable over the cited art. Therefore, the rejection of claims 1-8 and 14-17 under 35 U.S.C. §103(a) should be withdrawn.

Similarly, amended claims 18, 21, 27, 35, 41, 43, and 44 recite similar features that first primary display window being different from said scope window, and that second primary display window being different from the scope window and the first primary display window. For at least the reasons argued above in amended claim 1, Applicant argues that the cited references above fail to teach or suggest at least this and other features of amended claims 18, 21, 27, 35, 38, 41, 43 and 44. As such, the Examiner has not established the *prima facie* elements of an obviousness rejection because the combined references fail to teach or suggest the features discussed above. As such, claims 18, 21, 27, 35, 38, 41, 43 and 44, and their dependent claims are patentable over the cited art, and the rejection of claim 18, 21, 27, 35, 38, 41, 43 and 44 under 35 U.S.C. §103(a) should be withdrawn.

Claims 9-13, 19-20, 22-26, 28-34, and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Malamud patent, the Beaudet patent, the WinXP reference, and Ku et al. U.S. Patent No. 6,421,072 ("Ku patent"). As previously discussed, Applicant submits that the Ku patent fails to cure the deficiency of the Malamud patent, the Beaudet patent, and the WinXP reference, if it could be considered as a prior art. In particular, the Ku patent, in addition to arguments presented previously, merely teaches an improved way to represent information in multi-window environment using a tree structure. Moreover, the combined references fail to teach or suggest defining of the second primary display window from the "particular selected scope item," wherein the first set of instructions is independent of the second set of instructions so that the one or more first primary objects displayed in the first primary display window are independent of the one or more second primary objects displayed in the second primary display window. In addition, none of the references, individually or in combination, discloses each and every features of the invention as claimed.

Claims 9-13 depend from claim 1, claims 19-20 depend from claim 18, and claims 22-26 depend from claim 21 and, for at least the reasons explained above, these dependent claims are patentable over the cited art for at least the reasons of claims 1, 18, and 21, respectively. Therefore, rejection of claims 9-13, 19-20, and 22-26 under 35 U.S.C. §103(a) should be withdrawn.

Similarly, amended claims 28 and 38 recites, in part, "forming a first primary display window displaying first primary objects, **said first primary display window being different from said scope window**; ...forming a second primary display window displaying second

primary objects, **said second primary display window being different from said scope window and said first primary display window...**” Applicant submits the combined references fail to disclose or suggest each and every element of claims 28 and 38. Claims 29-34, depending from claim 28, and claims 39-40, depending from claim 38, are also patentable for at least the reasons above.

Because the Office fails to establish the *prima facie* elements of an obviousness rejection, Applicant submits that the rejection of claims 28-34, and 38-40 under 35 U.S.C. §103(a) be withdrawn.

In light of the foregoing, Applicant respectfully submits that claims 1-51 are in condition for allowance and respectfully request favorable reconsideration of this application. The fact that Applicant may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicant’s agreement therewith.

Applicant wishes to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Applicants do not believe that a fee is due in connection with this response. If, however, the Commissioner determines that a fee is due, he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,

/Tan-Chi Yuan/

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